

Dear EPA:

The United States Department of the Interior's Bureau of Land Management ("BLM") would like to take this opportunity to address the proposed listing by the U.S. Environmental Protection Agency ("EPA") of the Anaconda Mine Site in Yerington, Lyon County, Nevada ("the Site" or "Anaconda Site") on the National Priorities List ("NPL"). The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq.*, requires BLM and EPA to coordinate response actions, where federal lands are affected.

Nevada BLM supports and concurs with EPA's proposed listing of the Site in order to potentially access additional federal funding to supplement the costs for Site cleanup. I wanted to follow up on our agencies conversations regarding the position of the BLM on such a listing and how the agencies would work together to accomplish our mutual goals of remediation at the Site.

As you know, the Site is a "mixed-ownership site," including lands owned by private parties as well as lands owned by the United States and managed by BLM. BLM and EPA have worked together successfully to address several Operable Units (OU) at the Site already, with EPA taking the lead, in consultation with BLM, and working with Atlantic Richfield Company ("ARC"), the potentially responsible party ("PRP") to effectuate remediation. We look forward to continuing to collaborating together to complete work at the Site, including work at OU8, where BLM manages a portion of the affected land.

The State of Nevada also has been actively engaged in response activities at the Site and has issued a conditional concurrence with the NPL listing. Among the conditions the State has set forth are that the State be named as lead agency for drafting the Proposed Plan and Record of Decision (ROD) for the OU8 portion of the land, that EPA commit to a time frame to move remediation forward, and certain funding expectations. We understand that EPA remains in conversation with representatives of the State regarding those conditions and the State concurrence.

BLM agrees with both EPA and the State that the Site requires prompt attention. As the land manager for a portion of OU8, BLM has a particular interest in seeing that OU appropriately addressed. In addition, BLM shares with EPA and the State the desire to determine whether there is a viable PRP at OU8 and, if so, to work to ensure that the PRP takes responsibility for remediation; if not, to work to secure appropriate funding for remediation. In so doing, however, it is imperative that BLM's authority as the land manager under CERCLA be recognized as the agencies work together toward our mutual goals. BLM is, with certain limitations, delegated the President's CERCLA authority [Executive Order 12580, §§ 2(e) (1), and 4(b) (1)], where a release of a hazardous substance is on or the sole source of the release is from a facility on BLM-managed lands.

Therefore, BLM concurs with the NPL listing. BLM and EPA have entered into a MOU for the

Anaconda Site and also, BLM, EPA and NDEP have also entered into a MOU for the site. These MOU's provide a framework for the EPA Region IX, Nevada Division of Environmental Protection and BLM NV to coordinate response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act at the Anaconda Mine Site.

Nevada BLM looks forward to continue to work with EPA and the State of Nevada on this. If you have any questions regarding my letter or the MOU's, please contact Ralph Thomas at 775-885-6151.

Sincerely,

John F. Ruhs  
State Director  
Nevada BLM

cc     NDEP  
         WO 100 – 200  
         Lyon County  
         City of Yerington